

REMARKS

The Examiner noted a grammatical error in claim 8. That error has been corrected by this amendment.

The Examiner objected to the disclosure of the invention, taking the position that it “should be a *Brief Summary of the Invention* and should not reiterate the claims.” The May 25, 2005 official action, page 2, paragraph 1 (emphasis in original). Applicants submit that the disclosure of the invention, as originally presented, meets the requirements set out in 37 C. F. R. § 1.73 and M. P. E. P. § 608.01(d). However, in the interest of advancing the prosecution of this application, Applicants invite the Examiner to propose what the Examiner believes is an appropriate disclosure of the invention. Once the Examiner has proposed what the Examiner believes is an appropriate disclosure of the invention, Applicants will make a good faith effort to implement it.

The Examiner rejected claims 1-3, 5-7 and 12 under 35 U. S. C. § 102. The Examiner relied upon Luzzi U. S. Patent 4,955,823 (hereinafter Luzzi) to support this rejection. The Examiner calls Applicants’ attention specifically to Luzzi’s device 300 shown in Fig. 5.

Luzzi teaches a “method for *connecting and disconnecting* transformers and switches with cable systems which did not require the physical movement of the 600-Amp cable . . .” Luzzi, col. 1, lines 34-37, emphasis added. In Luzzi, a link 300 is used to connect or disconnect a high voltage cable. Luzzi’s abstract and Fig. 5.

Claim 1 requires

“[a] distribution device for distributing high magnitude electrical potential from an input port of the distribution device *to a plurality of output ports thereof*. . .” Emphasis Applicants.

Claim 12 requires

“[a] high magnitude potential distribution device having an input port and output *ports*, utilization devices, the output port of the high magnitude potential supply being coupled to the input port of the distribution device and *respective output ports* of the distribution device being coupled to respective utilization devices.” Emphasis Applicants.

In accordance with longstanding precedent construing 35 U. S. C. § 102(b), anticipation of a claim requires a showing that a single prior art reference discloses each and every element and limitation of the claim. See, e.g., *Apple Computer, Inc. v. Articulate Systems, Inc.*, 234 F.3d 14, 20, 57 U.S.P.Q. 2d 1057 (Fed. Cir. 2000); *Electro Medical*

Systems, S.A. v. Cooper Life Sciences, Inc., 34 F.3d 1048, 1052, 32 U.S.P.Q.2d 1017 (Fed. Cir. 1994); *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001 (Fed. Cir. 1991); *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1457, 221 USPQ 481, 485 (Fed. Cir. 1984); *In re King*, 801 F.2d 1324, 1326, 231 USPQ 136, 138 (Fed. Cir. 1986); *Kloster Speedsteel AB v. Crucible Inc.*, 793 F.2d 1565, 1571 (Fed. Cir. 1986) (“The corollary of that rule is that absence from the reference of any claimed element negates anticipation.”). The Federal Circuit Court of Appeals strictly construes the requirement for a showing of anticipation under 35 U.S.C. § 102:

“[A]n invention is anticipated if the same device, including all the claim limitations, is shown in a single prior art reference. Every element of the claimed invention must be literally present, arranged as in the claim. The identical invention must be shown in as complete detail as is contained in the patent claim.”

Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989) (citations omitted). Although the anticipatory reference “need not duplicate word for word what is in the claims” and “[a]nticipation can occur when a claimed limitation is ‘inherent’ or otherwise implicit in the relevant reference,” *Standard Havens Products, Inc. v. Gencor Indus.*, 953 F.2d 1360, 1369, 21 U.S.P.Q.2d 1321 (Fed. Cir. 1991) (denial of stay of injunction and stay of damages proceedings on remand to District Court reversed by Federal Circuit in subsequent proceeding, 996 F.2d 1236, 27 U.S.P.Q.2d 1959 (Fed. Cir. 1993)), the Federal Circuit construes the “inherency” exception narrowly. See, *Continental Can Co. v. Monsanto Co.*, 948 F.2d 1264, 1269, 20 U.S.P.Q.2d 1746 (Fed. Cir. 1991) (citing *In re Oelrich*, 666 F.2d 578, 581, 212 U.S.P.Q. 323, 326 (C.C.P.A. 1981) (quoting *Hansgirk v. Kemmer*, 102 F.2d 212, 214, 40 U.S.P.Q. 665, 667 (C.C.P.A. 1939)). Thus, a reference does not anticipate a claim if the claim contains any limitation that is neither literally nor inherently present in the reference.

There are no multiple output ports in Luzzi. The present invention relates to a high magnitude electrical potential distribution device that distributes high magnitude electrical potential from an input port to a plurality of output ports. This structure is neither disclosed nor suggested by Luzzi in which there is only a single output port. Thus the structure of the present invention is patentably distinct from Luzzi.

Luzzi is a pin-and-socket assembled connector system providing connection to or disconnection from a high voltage cable. Luzzi, col. 2, lines 15-18. Luzzi does not

disclose or suggest any high magnitude potential distribution device that distributes power from an input port to *a plurality of output ports*. The Examiner cites In re Casey, 370 F.2d 576, 580, 152 USPQ 235, 238 (CCPA 1967) and In re Otto, 312 F.2d 937, 940, 136 USPQ 458, 459 (CCPA 1963) for the proposition that the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. And, in this case, it does. Specifically, the intended use, to distribute high magnitude potential among a number of output ports, and among a number of utilization devices coupled to respective ones of those output ports, is reflected in the recitation in the claims of the multiple output ports, structure neither disclosed nor suggested by Luzzi. Luzzi does not have the structure of, and is not capable of performing the function performed by, the present claimed arrangement.

The structure and function performed by the present claimed arrangement patentably distinguish over Luzzi. Applicants submit that, since independent claims 1 and 12 distinguish patentably from Luzzi, dependent claims 2-11, which depend directly or indirectly from claim 1, and claims 13-15, which depend directly or indirectly from claim 12, all patentably distinguish from Luzzi as well. The rejection of claims 1-3, 5-7 and 12 under 35 U. S. C § 102 is thus overcome.

The Examiner rejected claims 8-11 and 13-15 under 35 U. S. C. § 103. The Examiner relied upon Luzzi to support these rejections. The Examiner cited Luzzi, col. 1, lines 23-58 and stated that “[t]he use of the connector in the utilization devices (i.e. coating material devices) of the prior art would have been obvious since the prior art requires distribution devices and the distribution device of Luzzi offers good connection with minimal and easy maintenance.” The official action, page 3, paragraph 6. The passage from Luzzi cited by the Examiner does nothing to cure the previously noted absence from Luzzi of claimed structure, namely, *a plurality of output ports*. Luzzi does not disclose or suggest a plurality of output ports. Claims 8-11 and 13-15 distinguish patentably from Luzzi for at least these reasons.

Accordingly, Applicants respectfully request favorable consideration, culminating in allowance of all the claims.

The Commissioner is hereby authorized to charge any fees which may be due to constitute this a timely response to the May 25, 2005 official action to Applicants' undersigned counsel's deposit account 10-0435 with reference to file number 3030-73043. A duplicate copy of this authorization is enclosed for that purpose.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard D. Conard", written in a cursive style.

Richard D. Conard
Registration No. 27321
Attorney for Applicants

Indianapolis, Indiana
(317) 231-7285

INDS02 RDC 743983